

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

In re: Edgar Contreras and Delia B. Ciruelas) Judge Jack B Schmetterer
Debtor(s))
) Case No. 19-25114
)
) Chapter 13

NOTICE OF MOTION

To the following named persons or entities: (Separate Service List may be attached)

Edgar Contreras and Delia B. Ciruelas
4442 W. Gunnison
Unit #1
Chicago, IL 60630

Tom Vaughn
55 E Monroe Suite 3850
Chicago, Illinois 60604
(Served by ECF: ecf@tvch13.net)

CERTIFICATE OF SERVICE*

I, Robert J. Adams, an attorney, certify that a copy of this Notice and attached documents were served upon the above-entitled parties by depositing same in the United States mail* at 540 W. 35th Street, Suite 100, Chicago, IL 60616, with sufficient postage prepaid by Robert J. Adams & Associates.

Date of Service: 09/19/2019

Signature: /s/ Robert J. Adams
Robert J. Adams

Please take notice that on **October 2, 2019 at 9:30 a.m.** I shall appear before the Honorable Judge Jack B Schmetterer in Court Room 682 at the U.S. Bankruptcy Court located at 219 S. Dearborn, Chicago, Illinois 60604 and present the attached motion.

*Where indicated, some parties have been served electronically instead of by mail

Label Matrix for Case 19-25114
0752-1
Case 19-25114
Northern District of Illinois
Eastern Division
Fri Sep 20 11:55:23 CDT 2019

AT&T
PO Box 5014
Carol Stream, IL 60197-5014

Cavalry SPV
500 Summit Lake Dr Ste 400
Valhalla, NY 10595-2321

Douglas Chancellor Meyer
1000 fairgrounds 200
Chicago, IL 60630

Monroe & Main
1112 7th Ave
Monroe, WI 53566-1364

Premier Bankcard, Llc
Po Box 7999
Saint Cloud, MN 56302-7999

The Girard Law Geoup, P.C
Mary A. Johnston
4311 N. Ravenswood 202
Chicago, IL 60613-1192

Edgar F Contreras
4442 W. Gunnison I
Chicago, IL 60630

Tom Vaughn
55 E. Monroe Street, Suite 3850
Chicago, IL 60603-5764

U.S. Bank National Association, as Trustee of
c/o Conelis & Associates, P.C.
15W030 North Frontage Road,
Suite 100
Burr Ridge, IL 60527-6921

AT&T Mobility
PO Box 6428
Carol Stream, IL 60197-6428

Cavalry SPV I, LLC as assignee of HSBC Bank
500 Summit Lake Drive, Ste 400
Valhalla, NY 10595-2321

Gunnison Condominium Association
4442 W. Gunnison
Chicago, IL 60630-4802

Ocwen
PO Box 6440
Carol Stream, IL 60197-6440

Robert J. Adams & Associates
540 E. 35th Street
Chicago, IL 60616

Unifund CCR Partners
C/O Blitt and Gaines, P.C.
661 Glenn Avenue
Wheeling, IL 60090-6017

Patrick S Layng
Office of the U.S. Trustee, Region 11
219 S Dearborn St
Room 873
Chicago, IL 60604-2027

End of Label Matrix
Mailable recipients 24
Bypassed recipients 0
Total 24

U.S. Bankruptcy Court
Eastern Division
219 S Dearborn
7th Floor
Chicago, IL 60604-1702

Cash Loans Today
11949 S. Pulaski
Alsip, IL 60803-1114

Check N Go
PO Box 566027
Dallas, TX 75356-6027

Jefferson Capital Systems
PO Box 772813
Chicago, IL 60677-0113

Opturn
PO Box 4085
Atherton, CA 94027

Suncash
5800 W. North Ave.
Chicago, IL 60639-4041

Delia B. Ciruelas
4442 W. Gunnison I
Chicago, IL 60630

Robert J Adams
Robert J Adams & Associates
540 W. 35th St., Ste. 100
Chicago, IL 60616-3532

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION**

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)
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DEBTORS' MOTION TO IMPOSE THE AUTOMATIC STAY

NOW COMES Edgar Contreras and Delia B Ciruelas, hereinafter referred to as "debtors", by and through the Law Offices of Robert J. Adams & Associates, and states as follows:

1. On September 5, 2019, debtors filed a voluntary petition under Title 11 U.S.C. Chapter 13.
2. This Honorable Court has jurisdiction over this proceeding under the provisions of Title 11 U.S.C. § 105 and Title 28 U.S.C. § 157.
3. The debtors had two prior bankruptcy cases dismissed within the preceding year: Case Number 17-02507, a case filed by both debtors and dismissed on June 19, 2019, and Case Number 19-14205, a case filed by debtor Delia B. Ciruelas and dismissed on July 10, 2019.
4. The debtors had a substantial change in their financial and/or personal affairs since the previous cases that will effectively rebut the presumption of this case not being filed in good faith pursuant to 11 U.S.C. § 362(c)(4) by clear and convincing evidence. See affidavit of debtors attached as Exhibit One.
5. The 2017 was dismissed for a plan payment default; debtors fell behind on their Chapter 13 plan payments as well as their mortgage payments because they were sending money to family members in the Philippines who were both suffering from cancer.
6. Debtor Delia B. Ciruelas filed a second case on May 16, 2019 with a different attorney than in the 2017 case.
7. Because the 2017 case was still pending, debtor Delia Ciruelas should not have filed another Chapter 13 case while the previous case was pending, but she filed based on the advice of the attorney that filed the case.

8. When the Section 341 meeting was scheduled to be held, without giving her a specific reason, Ms. Ciruelas' attorney told her not to go to the meeting and that he would not represent her anymore.

9. Because debtor Delia Ciruelas did not attend the meeting, the trustee filed a motion to dismiss and the case ultimately was dismissed.

10. Debtors believes that the present case will be successful, as they are no longer sending money to the two relatives; one has passed away and the other's cancer is in remission.

11. Debtor Edgar Contreras has agreed to have the Chapter 13 plan payment deducted from his pay check in the present case. Copies of debtors' Schedules I and J from the 2017 case are attached hereto as Exhibits Two and Three respectively, copies of debtor's Schedules I and J from the previous 2019 case are attached hereto as Exhibits Four and Five respectively, and copies of debtors' Schedules I and J from the present case are attached hereto as Exhibits Six and Seven respectively.

WHEREFORE Edgar Contreras and Delia B Ciruelas, the debtors herein, pray that this Honorable Court enter an Order imposing the Automatic Stay against all creditors for the duration of this Chapter 13 bankruptcy and grant the debtors such other relief as It deems just and proper.

Respectfully submitted,

/s/ Robert J. Adams

Attorney for Edgar Contreras and Delia B
Ciruelas

Robert J. Adams & Associates